

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Seishi Kato *et al.*

Application Serial No.: 09/284,320

Filed: April 28, 1999

For: *HUMAN PROTEINS HAVING TRANSMEMBRANE
DOMAINS AND DNAs ENCODING THESE PROTEINS*

Attorney Docket No.: GIN-6705CPUS
(formerly GI6705PCT-US)



Office of Petitions

Examiner: Christine Saoud, Ph.D.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Attention: Office of Petitions, Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231 on the date set forth below.

Date of Signature

June 26, 2000

By:

Peter C. Lauro

Peter C. Lauro, Esq.
Registration No. 32, 360

PETITION TO REVIVE AN ABANDONED APPLICATION
PURSUANT TO 37 CFR §1.137(b)

Dear Sir:

It is respectfully requested that the above-referenced application be revived from abandonment. The application became abandoned as of March 29, 2000 because of the failure to respond by that date to a Communication from the Examiner, mailed September 29, 1999, regarding the Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures pursuant to 37 C.F.R. §§1.821 through 1.825.

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The Communication indicated that the above-referenced application fails to comply with the requirements of 37 C.F.R. §§1.821 through 1.825 because a copy of the Sequence Listing in computer readable form had not been submitted to the Patent Office. Therefore, the Communication required the submission of an initial computer readable form (CRF) of the Sequence Listing, a substitute paper copy of the Sequence Listing, an amendment directing entry of the substitute Sequence Listing into the specification, if necessary, and a statement required by 37 C.F.R. §§1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.821(d).

It is respectfully submitted that the entire delay in filing a response to the Communication mailed September 29, 1999, from the due date to the date of submission of this Petition, was unintentional. Accordingly, Applicants submit herewith: an Amendment and Response to the September 29, 1999 Communication in full compliance with the Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures pursuant to 37 C.F.R. §§1.821 through 1.825, including an initial copy of the sequence listing in computer readable form as required by 37 C.F.R. 1.821(e), a substitute paper (hard) copy of the sequence listing, an amendment (contained in the aforementioned Amendment and Response) directing entry of the substitute Sequence Listing into the specification and also making changes throughout the specification incident to the substitute Sequence Listing; a statement regarding the paper and the computer readable copies of the Sequence Listing pursuant to 37 C.F.R. §1.821(e), (f), (g), or 1.825(b) or (d); a five-month extension of time to fully respond to the aforementioned September 29, 1999 Communication; Check no. 037590 in the amount of \$1,850.00 to cover the extension of time; and Check no. 037415 in the amount of \$1,210.00 to cover the petition fee, pursuant to 37 C.F.R. §1.17 (m), for the instant petition.

In view of the instant Petition, Applicants respectfully request entry of the Amendment and Response to the September 29, 1999 Communication, and supporting documentation, filed concurrently herewith. Please charge any additional fees required by virtue of this Petition or credit any overpayments to Deposit Order Account No. 12-0080. For this purpose, a duplicate of this Petition is enclosed.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



Peter C. Lauro, Esq.

Reg. No. 32,360

Attorney for Applicants

28 State Street
Boston, MA 02109
Tel. (617) 227-7400

Dated: **June 26, 2000**

Enclosures:

Amendment and Response to Communication mailed September 29, 1999;
Sequence Listing Transmittal;
Diskette containing computer readable form of Sequence Listing;
Paper (hard) copy of substitute Sequence Listing;
Five-month Extension of Time to Communication mailed September 29, 1999;
Check no. 037590 in the amount of \$1,850.00 (extension fee); and
Check no. 037415 in the amount of \$1,210.00 (petition fee).